

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: G. David Jang
Application No.: 09/925562
Filed: August 9, 2001
For: INTRAVASCULAR STENT
Group Art Unit: 3738

Office of Petitions
Washington, DC 20231

Docket No: S63.2-9950

PATENT

#7
Petition to
Make Special
S. Bryce
3/12/03

PETITION TO MAKE SPECIAL

Applicant hereby requests that the above application be made special pursuant to 37 C.F.R. 1.102(d) and M.P.E.P. §708.02. This application contains claims which if issued, are believed to be infringed by a product being sold in the United States. More specifically, the application contains claims which if issued, are believed to be infringed by the BX VELOCITY stent available from Cordis Corporation, a Johnson & Johnson company. A Declaration of an attorney of record is submitted herewith. The prior art which I believe to be most pertinent has already been made of record in the instant application. Please charge the petition fee to deposit account number 22-0350.

Respectfully submitted,

Vidas, Arrett & Steinkraus, P.A.

Date: March 4, 2003

By:

Jonathan Grant

Registration No. 41795

Suite 2000
6109 Blue Circle Drive
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PATENT

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|-----------------------|---------------------|
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Declaration Of Attorney Under 37 C.F.R. §1.102(d)

Jonathan Grad states as follows:

- 1) I am an attorney of record in the above identified case in which a Petition to Make Special is being filed concurrently herewith.
- 2) Applicant is aware of a competitor's commercially available stent which if the claims of the pending application were issued, is believed to infringe claims of the pending application. More specifically, Applicant is aware of a stent known as the BX VELOCITY stent, available from Cordis Corporation, a Johnson & Johnson company, which if the claims of the pending application are issued, is believed to infringe at least some of those claims. This product is currently being sold in the United States.
- 3) I have conducted a rigid comparison of the infringing stent with the claims pending in this application and it is my opinion that at least some of the claims, if issued, would be infringed by the stent.
- 4) I have a good knowledge of the pertinent prior art. The references which I

Application No. 09/925562

Declaration Of Attorney Under 37 C.F.R. §1.102(d)

believe are most closely related to the subject matter encompassed by the claims are already of record.

5) I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Vidas, Arrett & Steinkraus, P.A.

Date: March 4, 2003

By:


Jonathan Grad

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